IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

INNOVATIVE DESIGN SOLUTIONS, INC., a Michigan corporation, Plaintiff, vs. **DAYS CORPORATION d/b/a EQUALIZER SYSTEMS**, an Indiana corporation, Defendant.	Case No. **JURY TRIAL DEMANDED**

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COMPLAINT AND JURY DEMAND

Plaintiff Innovative Design Solutions, Inc. files its Complaint against Defendant Days Corporation as follows:

PARTIES

1. Plaintiff Innovative Design Solutions, Inc. (hereafter "Plaintiff" or "IDS") is a Corporation organized and existing under the laws of the State of Michigan and has a registered office address at 601 Abbot Road, East Lansing, MI 48823.

2. Upon information and belief, Defendant Days Corporation (hereafter "Defendant" or "Days") is a corporation organized and existing under the laws of Indiana, with corporate headquarters located at 55169 Co Rd 3 North, Elkhart, IN 46514.

JURISDICTION AND VENUE

3. Counts I and II of this action are for patent infringement and arise under the Patent Laws of the United States Code, 35 U.S.C. §1 et seq. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this Court pursuant to 28 U.S.C. §§1391 and 1400(b).

5. This Court has jurisdiction over Days. in that:

   a. Days has engaged in continuous and systematic business activities within the state of Indiana and this district because, among other things, Days maintains its principle place of business in Indiana, performs factory installations at its facility located at 55169 CR 3 in Elkhart, Indiana, and, upon information and belief, enters into contracts with and makes sales to Indiana residents at physical locations within Indiana and conducts ongoing business in this district.

   b. Days has sufficient minimum contacts with Indiana to support jurisdiction in this district because Days has transacted business relating to the subject matter of this lawsuit in Indiana.

   c. Days has committed a tortious act in the State of Indiana by infringing Plaintiff's patents within the state of Indiana.

CAUSE OF ACTION

Count I - Infringement Of United States Patent No. 6,584,385 B1

6. Plaintiff re-alleges and incorporates by reference every allegation contained in paragraphs 1 - 5 of this Complaint.

7. Plaintiff is the owner of United States Patent No. 6,584,385 B1 (hereafter “the '385 patent”) relating to a Vehicle Leveling Assembly, which patent was duly and legally issued on June 24, 2003. (Exhibit A)

8. Defendant has infringed, is infringing, and is threatening to infringe the ‘385 patent by making, using, offering to sell, and selling, or importing into the United States vehicle leveling assemblies embodying the patented device and/or practicing the patented method using such assemblies in violation of 35 U.S.C. § 271(a); such vehicle leveling assemblies including, but not limited to Defendant’s Auto-Level line of products as shown in Defendant’s internet advertising at, *inter alia*, http://equalizersystems.com/product-category/motorhome/class-a-systems/ (“the Accused Products”).

9. Each and every limitation of each of at least claims 1, 14, 15, 26, 29, 34, and 35 of the ‘385 patent are found in each of the Accused Products and/or are practiced by Defendant.

10. For example, with respect to claim 1, the Accused Products constitute an assembly for correcting the attitude of any selected portion of a structure and comprises a controller configured to connect to and control one or more jacks operable to change the attitude of a structure.

11. The Accused Products also include a proportional two-axis tilt sensor connected to the controller and configured to be supported on the structure.

12. The tilt sensor is configured to provide analog signals to the controller, which represent the degree of longitudinal pitch and lateral roll of the portion of the structure the sensor is supported on.

13. The controller is additionally configured to move a selected portion of the structure into a desired attitude by commanding movement of the entire structure into an attitude where the tilt sensor signals match a preselected reference value corresponding to the desired attitude of the

selected portion of the structure, thereby allowing any portion of the structure to be corrected to any desired attitude within a range of attitudes despite the location of the tilt sensor and allowing the tilt sensor to be located anywhere in the structure.

14. With respect to claim 35, Defendant, with its Accused Products has performed a method for analyzing the attitude of a structure relative to two axes by providing a structure including jacks actuable to change the attitude of the structure.

15. Defendant has provided a tilt sensor on the structure.

16. Defendant has extended one or more jacks until one or more of the jacks contact the ground.

17. Defendant has detected jack ground contact through tilt sensor indications of a change in the attitude of the structure resulting from jack ground contact.

18. Defendant has induced, is inducing, and is threatening to induce others to infringe the '385 patent in violation of 35 U.S.C. § 271 (b) by instructing others to calibrate their Auto-Level products according to the patented method, as shown in Defendant's Auto-Level Operations Guide available for download on Defendant's web site at http://equalizersystems.com/wp-content/uploads/sites/2/2015/12/OM014-Auto-Level-Operation-Guide.pdf, and in Defendant's Auto-Level Installation and Operation Manual available for download on Defendant's web site at http://equalizersystems.com/wp-content/uploads/sites/2/2016/01/EQ014-Auto-Level-Installation-Operation-Manual.pdf.

19. Defendant has induced, is inducing, and is threatening to induce others to infringe at least claim 35 the '385 patent by instructing others to use Defendant's Auto-Level products to analyze the attitude of a structure according to the patented method, as shown in Defendant's Auto-Level Operations Guide and in Defendant's Auto-Level Installation and Operation Manual.

20. Defendant has at all relevant times had knowledge of the ‘385 patent. Defendant has at least constructive notice of Plaintiff’s rights in the patented vehicle levelling assembly by virtue of Plaintiff’s marking of packaging for such vehicle mounting assemblies with the number of the ‘385 patent in accordance with 35 U.S.C. 287. And on September 19, 2016 specific notice of its infringement of the ‘385 patent was provided to Defendant.

21. Despite such knowledge of the ‘385 patent, Defendant has continued to infringe the ‘385 patent.

22. As a result of Defendant's conduct, Plaintiff has been seriously and irreparably damaged.

23. Defendant's infringement of the ‘385 patent is willful and deliberate.

24. Unless enjoined by this Court, Defendant will continue its infringement of the ‘385 patent and Plaintiff will continue to be seriously and irreparably injured.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

A. Enter judgment that Defendant has infringed United States Patent No. 6,584,385 B1;

B. Enter a preliminary and permanent injunction restraining Defendant, its officers, agents, servants, and employees, and each of them and anyone acting in concert with them, from infringing United States Patent No. 6,584,385 B1;

C. Order Defendant to pay all damages sustained by Plaintiff resulting from Defendant’s infringement of United States Patent No. 6,584,385 B1 and to compensate Plaintiff for such infringement, but in no event less than a reasonable royalty in accordance with 35 U.S.C. §284, together with prejudgment and post-judgment interest thereon;

D. Find this case to exceptional.

E. Increase the damage amount up to three times the amount found or assessed against Defendant in accordance with 35 U.S.C. §284.

F. Order Defendant to pay Plaintiff's costs, expenses and attorney fees in accordance with 35 U.S.C. §285;

G. Award other and further relief that this Court deems just and proper.

Count II - Infringement Of United States Patent No. 6,885,924 B2

25. Plaintiff re-alleges and incorporates by reference every allegation contained in paragraphs 1 - 24 of this Complaint.

26. Plaintiff is the owner of United States Patent No. 6,885,924 B2 (hereafter "the '924 patent") for a Prosthetic Mounting Device and Assembly, which patent was duly and legally issued on April 26, 2005. (Exhibit B)

27. Defendant has infringed, is infringing, and is threatening to infringe the '924 patent by making, using, offering to sell, and selling, or importing into the United States vehicle attitude adjustment assemblies embodying the patented device and/or is practicing the patented method using such assemblies in violation of 35 U.S.C. § 271(a); such vehicle attitude adjustment assemblies including, but not limited to Defendant's Auto-Level line of products as shown in Defendant's internet advertising at, *inter alia*, http://equalizersystems.com/product-category/motorhome/class-a-systems/ ("the Accused Products").

28. Each and every limitation of each of at least claims 18, 19, and 20 of the ‘924 patent are executed by Defendant when calibrating the Auto-Level products listed in the preceding paragraph.

29. For example, with respect to claim 18, Defendant, with its accused products has performed a method for calibrating an attitude correction assembly to recognize when a selected portion of a structure the assembly is installed on is in a desired attitude relative to gravity.

30. Defendant has provided a structure including jacks actuable to change the attitude of the structure.

31. Defendant has provided an attitude correction assembly on the structure, the assembly including a controller and a tilt sensor.

32. Defendant has actuated the jacks until the structure is in a first desired attitude.

33. Defendant has provided an input to the controller indicating that the current set of signals being received from the tilt sensor is a first set of signal values that will represent the first desired attitude for the controller to reference when selected in future attitude correction operations.

34. Defendant has induced, is inducing, and is threatening to induce others to infringe at least claim 18 of the ‘924 patent in violation of 35 U.S.C. § 271 (b) by instructing others to calibrate their Auto-Level products according to the patented method, as shown in Defendant’s Auto-Level Operations Guide available for download on Defendant’s web site at http://equalizersystems.com/wp-content/uploads/sites/2/2015/12/OM014-Auto-Level-Operation-Guide.pdf, and in Defendant’s Auto-Level Installation and Operation Manual available for download on Defendant’s web site at http://equalizersystems.com/wp-content/uploads/sites/2/2016/01/EQ014-Auto-Level-Installation-Operation-Manual.pdf.

35. Defendant has at all relevant times had knowledge of the ‘924 patent. Defendant has at least constructive notice of Plaintiff’s rights in the patented vehicle attitude adjustment assembly and calibration method by virtue of Plaintiff’s marking of packaging for such assemblies with the number of the ‘924 patent in accordance with 35 U.S.C. 287. And on September 19, 2016 specific notice of its infringement of the ‘924 patent was provided to Defendant.

36. Despite such knowledge of the ‘924 patent, Defendant has continued to infringe the ‘924 patent.

37. As a result of Defendant's conduct, Plaintiff has been seriously and irreparably damaged.

38. Upon information and belief, Defendant's infringement of the ‘924 patent is willful and deliberate.

39. Unless enjoined by this Court, Defendant will continue its infringement of the ‘924 patent and Plaintiff will continue to be seriously and irreparably injured.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

A. Enter judgment that Defendant has infringed United States Patent No. 6,885,924 B2;

B. Enter a preliminary and permanent injunction restraining Defendant, its officers, agents, servants, and employees, and each of them and anyone acting in concert with them, from infringing United States Patent No. 6,885,924 B2;

C. Order Defendant to pay all damages sustained by Plaintiff resulting from Defendant’s infringement of United States Patent No. 6,885,924 B2 and to compensate Plaintiff for such infringement, but in no event less than a reasonable royalty in accordance with 35 U.S.C. §284, together with prejudgment and post-judgment interest thereon;

D. Find this case to exceptional.

E. Increase the damage amount up to three times the amount found or assessed against Defendant in accordance with 35 U.S.C. §284.

F. Order Defendant to pay Plaintiff's costs, expenses and attorney fees in accordance with 35 U.S.C. §284;

G. Award other and further relief that this Court deems just and proper.

DATED this 1st day of May, 2017.

Respectfully submitted,

/s/ *Brett R. Hummer*
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Date: May 1, 2017

JURY DEMAND

Plaintiff, Innovative Design Solutions, Inc. hereby demands a trial by jury.

Respectfully submitted,

/s/ *Brett R. Hummer*
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Date: May 1, 2017

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: N/A, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: David J. Marr, Clark Hill PLC.

/s/ *Brett R. Hummer*